

§8-1103. Rules for determining whether certain obligations and interests are securities or financial assets

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(1). A share or similar equity interest issued by a corporation, business trust, joint stock company or similar entity is a security.

[PL 1997, c. 429, Pt. B, §2 (NEW).]

(2). An investment company security is a security. "Investment company security" means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered or a face-amount certificate issued by a face-amount certificate company that is so registered. "Investment company security" does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.

[PL 1997, c. 429, Pt. B, §2 (NEW).]

(3). An interest in a partnership or limited liability company is not a security unless it is dealt in or traded on securities exchanges or in securities markets, its terms expressly provide that it is a security governed by this Article or it is an investment company security. An interest in a partnership or limited liability company is a financial asset if it is held in a securities account.

[PL 1997, c. 429, Pt. B, §2 (NEW).]

(4). A writing that is a security certificate is governed by this Article and not by Article 3-A, even though it also meets the requirements of that Article. A negotiable instrument governed by Article 3-A is a financial asset if it is held in a securities account.

[PL 1997, c. 429, Pt. B, §2 (NEW).]

(5). An option or similar obligation issued by a clearing corporation to its participants is not a security, but is a financial asset.

[PL 1997, c. 429, Pt. B, §2 (NEW).]

(6). A commodity contract, as defined in section 9-1102, subsection (15), is not a security or a financial asset.

[PL 1999, c. 699, Pt. B, §20 (AMD); PL 1999, c. 699, Pt. B, §28 (AFF).]

(7). A document of title is not a financial asset unless section 8-1102, subsection (1), paragraph (i), subparagraph (iii) applies.

[PL 2009, c. 324, Pt. B, §26 (NEW); PL 2009, c. 324, Pt. B, §48 (AFF).]

(8). **(TEXT EFFECTIVE 7/01/25)** A controllable account, controllable electronic record or controllable payment intangible is not a financial asset unless section 8-1102, subsection (1), paragraph (i), subparagraph (iii) applies.

[PL 2023, c. 669, Pt. A, §59 (NEW); PL 2023, c. 669, Pt. E, §1 (AFF).]

SECTION HISTORY

PL 1997, c. 429, §B2 (NEW). PL 1999, c. 699, §B20 (AMD). PL 1999, c. 699, §B28 (AFF). PL 2009, c. 324, Pt. B, §26 (AMD). PL 2009, c. 324, Pt. B, §48 (AFF). PL 2023, c. 669, Pt. A, §59 (AMD). PL 2023, c. 669, Pt. E, §1 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The

text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.